

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:06-HC-2222-BR

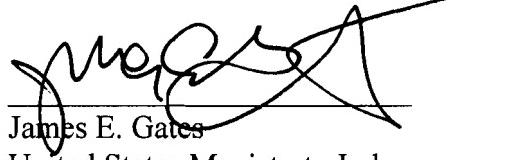
UNITED STATES OF AMERICA,)
Petitioner,)
v.)
ANDREW RED STAR,)
Respondent.)

ORDER

This case comes before the court on the second renewed motion (D.E. 55) by respondent seeking authorization for his counsel to travel to Boston, Massachusetts to observe the testimony of his court-appointed expert witness in a hearing pursuant to 18 U.S.C. § 4248. As a basis for counsel's request, he states only that "it would be of great benefit to him to observe this commitment action and, in particular, [the expert's] testimony given the novelty of such cases" in this district. (Mot. 1).

Counsel has failed to show why his personal presence at the hearing is necessary and why a review of a transcript of the subject proceeding would be an insufficient means of gaining the unspecified benefit he seeks. Indeed, practitioners and courts regularly rely on transcripts of proceedings in a variety of contexts. Further, counsel has not shown that this expert has not already testified in a § 4248 hearing such that a transcript might be presently available for review. Accordingly, the court concludes that respondent has failed to identify an appropriate justification for the proposed travel. Respondent's motion is DENIED.

SO ORDERED, this 3rd day of February 2011.



James E. Gates
United States Magistrate Judge